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[Mr. President]

' 2. In accordance with rule 94 of the Madras Assembly Rules, I transmit a copy of the Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1947 (L.A. Bill No. 10 of 1947), as passed by the Assembly on the 1st April 1947 and signed by me for the concurrence of the Council '."

III.—GOVERNMENT BILLS.

(1) THE MADRAS TEMPLE ENTRY AUTHORIZATION BILL, 1947

(AS PASSED BY THE ASSEMBLY)

THE HON. DR. T. S. S. RAJAN :—" I beg leave of the House to move that the Madras Temple Entry Authorization Bill,* 1947 (L.A. Bill No. 9 of 1947) as passed by the Assembly be taken into consideration at once."

K. T. M. AHMED IBRAHIM SAHEB BAHADUR :—" On a point of information, Sir. In the agenda, it is mentioned that the Hon. Sri O. P. Ramaswami Reddiyar, Prime Minister, will move the motion."

THE HON. DR. T. S. S. RAJAN :—" I think it is open to any member of Government to deal with the Bill, even if the motion stands in the name of some other member on the agenda."

MR. PRESIDENT :—" In this case, you also happen to be a member of this House."

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—" The agenda is intended to give information to the members of the House. It is not intended to be violated always."

THE HON. DR. T. S. S. RAJAN :—" I do not think it is an important point at all."

K. UPPI SAHIB BAHADUR :—" The Hon. Leader of the House was just saying that it was of no importance. The motion stands in the name of the Hon. Prime Minister. If he had any respect for this House, he could have asked the permission of the House to move the motion in the absence of the Hon. Prime Minister. The House will certainly agree."

MR. PRESIDENT :—" That is what the Hon. Minister did."

THE HON. SRI K. MADHAVA MENON :—" It is not correct to say that in answering a question or moving a motion, the permission of the House should be taken by a Minister acting on behalf of an absentee Minister in whose name the question or motion stands. At the most, I may request you, as the President, that I may be permitted to move, as the Minister in whose name the motion stands is absent. But it is not the rule or convention that a motion should be moved and the permission of the House taken. Any member of Government can answer for any other member in his absence."

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MR. PRESIDENT :—“ I do not think even the Hon. Leader of the Opposition says that a formal motion should be moved and the permission of the House taken. I think he just wants that any Hon. Minister functioning for any other Minister should inform the House about the need for doing so.”

K. UPPI SAHIB BAHADUR :—“ That is all.”

THE HON. DR. T. S. S. RAJAN :—“ I did not intend any insult to the House when I moved the motion. Probably if I had said that I was moving it on behalf of the Prime Minister, that would have been quite in order. I do realize the fault is entirely mine, for this reason that I did not mention it to the House. But I took it for granted, having moved it in the other House without any objection to the propriety of my doing so. I meant no offence to the members opposite. In fact, I imagined that, because I begged leave of the House, my request for permission was implied.”

MR. PRESIDENT :—“ All this trouble could have been avoided, if you had given notice of the motion in your own name.”

THE HON. DR. T. S. S. RAJAN :—“ If the Hon. President had drawn my attention, I would certainly have done it.

“ In moving for the consideration of this Bill, I want to say a few words. The question of Harijan uplift and eradication of untouchability came to be actively considered by the public of this country in the year 1932. The historic fast of Mahatma Gandhi in Poona drew the Hindus and the Harijans together for considering the question. As a result of the fast and the assurances given by the Hindu and Harijan leaders in the whole country, Pandit Madan Mohan Malaviya held a meeting and affirmed through a resolution the determination of the Caste Hindus to implement everything that was said on that occasion, including the removal of the bar to the entry of Harijans into Hindu temples. The movement having started under such auspices in the year 1932”

MR. PRESIDENT :—“ I think you said in the other House that you had taken this duty upon yourself as a *Prayaschitha*.”

THE HON. DR. T. S. S. RAJAN :—“ I am reserving it for a later stage. If the Hon. President wants me to repeat what I said in the other House, I shall do so.”

MR. PRESIDENT :—“ Because the question had been asked, you may straightaway answer that.”

THE HON. DR. T. S. S. RAJAN :—“ It is not a question of answering. It was a definite proposition.

“ I simply go into the history of this question. I did not say this in the Lower House and so I thought I could complete the picture as to how it started and how it has come up before this Legislature. In fact, it was left to Mr. C. Rajagopalachari, our

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ex-Premier, to introduce the Malabar Temple Entry Bill in 1937. After it became an Act, many temples were thrown open. Consequent on the opening of temples, legal difficulties crept in. To remove those difficulties, the Madras Temple Entry Authorization and Indemnity Act was passed in 1939 preventing legal interference with matters consequent upon the opening of temples. Since 1937, this movement has gathered much strength. During the last few months since the Congress Ministry came into power, a good many of our temples have been opened, temples which are worthy of being opened—not that any temple is more worthy than the other—important temples at which people from all over India congregate in large numbers throughout the year. Such important temples have been opened. One important feature of the opening of these temples is the enormous enthusiasm shown and the warm welcome given by the Hindu public of this province. Taking a few temples in which I was present, I may say that thousands of Caste Hindus not only gathered together, but welcomed the Harijan leaders, who came for worship, with great regard, love and respect. What is more! They accompanied them in large numbers to the shrines and took them to the *sanctum sanctorum* where worship is offered by every Caste Hindu. As a consequence of this what appears to the orthodox mind to be the most revolutionary thing went off very smoothly. People took it as a matter of course as they know that it ought to have come much earlier. The hesitation on the part of the public was to a certain extent due to the many other political events that intervened and consequently came the delay. But when once the popular Government began to function the enthusiasm of the public grew rapidly in opening almost all the temples. There are still, Sir, a few temples, I am sorry to say, that are yet to be opened. It would have been well had this Government not come in with this Bill. But I must say to my regret that obstacles have been raised by the trustees and other interested parties in the opening of the temples. The object of this Bill is to enable those recalcitrant trustees to obey the law and see that those temples are also opened for the Harijans. Therefore it takes away that power of interference which the previous Bill gave. According to the previous Bill they were asked to take a referendum on the subject of temple entry and they had to follow up the referendum by an application for permission of the Government, and the Government had to satisfy themselves that the temple could be opened and whether they had an absolutely overwhelming majority of the Hindu public for it. All that responsibility was placed on the Government. But the events that have happened during these few months have convinced the Government that they need not wait for such dilatory processes in opening the temples and they have come to the conclusion that all the Hindu temples all over the Province should be opened. That is the scope of the present Bill.

12-15
p.m.

“ One other thing which is of great importance in this Bill is, while opening these temples the Government also have conceded the right to these excluded castes to bathe in all the sacred

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tanks, bathe in the rivers apurtenant to the temples, walk over the hills and reach the shrines on the top of such hills and take part in such rites and ceremonies as might be attached to the temples in the process of worship. In fact there is nothing to-day that could prevent any member of the Scheduled Castes from walking straight to any temple he likes provided that is a Hindu temple. To carry out the full intentions of this Act there are provisions made in the Act which make it an offence for any man who interferes with the lawful worship in the temples. This is really a great addition to-day, Sir. It is possible, Sir, that a worshipper may be prevented or otherwise interfered with in offering worship in a temple but according to this Bill he can apply to the law to get the security and guarantee under the law to protect him and allow him to worship. Of course he shall not have a more privileged position in the matter of worship than is conferred on other Hindus in general. Barring that, the Hindu temples are open to every member of the community who are Hindus. That is really the point, Sir. My contention is that there have been no statutory basis, statutory in the sense of Sastric injunctions or otherwise, for the prevention of these classes from worshipping in the temples. It has been a matter of custom and nothing more and, Sir, custom has often been thrown overboard by great men. From the time of Ramanuja down it has been the custom also that no Hindu whoever he may be, of whatever caste he may be, can be denied the right of worship in the temple. As early as the twelfth century when Ramanuja lived he was the foremost reformer of his times, and he did, in spite of the opposition he had to face, take a number of Harijans into the temple where he worshipped at Melkote in the Mysore State. Even to-day that great event is perpetuated and celebrated year after year in that temple by allowing free access to all Hindus on those days for worship. Sir, that is the history of the Vaishnavite cult which is in a pre-eminent position with regard to temples and the worship that is offered there.

" Temple worship is perhaps a peculiar property of South India. A large number of temples are strewn over the villages and the cities and trusts have been created. There have been in our history times when temples were razed to the ground, when temples were plundered and idols were trampled. All that had happened more than once in a number of Hindu shrines but it must be said to the credit of the Hindu religion that in spite of all that had happened temples have grown, temples have been rebuilt and temples have been built in such a way that any amount of destruction has not been able to prevent the growth and development of temples and the religion. To-day the number of temples are still growing. To-day, Sir, when we see the intention of consolidating the Hindu faith and the Hindu people by taking back to their faith millions of people whom they have neglected so far, it is a natural pleasure and joy to all of us, those who claim to be Hindus, to welcome this legislation. The legislation, Sir, is not in advance of public opinion but in fact it is in the wake of public opinion and it is being

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legalized. Therefore in this legislation there is no hurry. Full time has been given to the public and when once the public opinion has been ascertained the Bill has come in its wake. Sir, the Hindu faith, whatever may be the controversies about its nature to-day, is still a live faith and temple worship is a part of the Hindu faith. Sir, I know this also, that is, if a man does not go to the temple, there is no bar on his continuing to be a Hindu. Hindu philosophy and faith is such that a man who might even abuse and ridicule a temple is still allowed to remain a Hindu. The spirit of Hinduism is such that in spite of all those forces which operate against it, the Hindu faith has not thought it necessary to impose any ban on those Hindu devotees. Instead they allow a large amount of freedom of thought, freedom of action with regard to the faith and to the various restrictions placed upon following the faith. This very freedom of action in the Hindu religion appears to-day to be the safety valve of that faith. If to-day the Hindu religion exists as it is, it is because of that freedom that has been established in the Hindu religion. Any Hindu to-day can say : ' I do not worship this God, there is no God, etc.' By this I mean that even that amount of liberty has been given to him to say that, but still he is a Hindu and because of that freedom that has been granted to him, to-day Hindu religion is what it is. If on account of restrictions and other things he does not continue in the faith there will be nothing done to him. To-day the Hindu population might have decreased to a certain extent, but even in the face of it, Hindu reformers never said that a man should be refused the right of worship or the privilege of worship. I think, this opening of temples is in conformity with the thought that has been prevalent in the Hindu faith through ages and we are simply reaffirming the dogma that underlies the Hindu faith to-day. We do not mind if a man forsakes his own religion and takes to another religion. We have no quarrel with him. In fact we treat him just as he was treated before. It is on account of this freedom that we see the spectacle of people taking to other religion. Hindu faith is so sure of its own ground that we do not find any necessity for any restraint. We do not seek refuge in isolation and in putting restrictions on the activities of our people. That perhaps accounts for the development of the Hindu faith even to-day in its present form, in the number of temples that have been opened and in the number of worshippers that have gathered round. Our intention is to gather more worshippers and the fact that the scheduled castes who had been prevented from entering the temples have come in, shall not in my opinion, in any way diminish either the attendance at the temples, nor will it in any way affect the resources of the temple. It is not our intention by admitting these people to forsake the temples or make the temples deserted. Our intention is that these people who have been denied the right of worship must be allowed to worship and every orthodox Hindu who believes in temple should feel it his duty to take as many of the Harijans into the temples as possible and give them the privilege of worship. He should also see that the Hindu temples get more popular day by day

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Mr. C. Rajagopalachariar when he put some restrictions on the temple said this : ' It is not our intention to desecrate the temples or make them deserted.' He said that the temples should continue and the worship must continue as a part and parcel of Hindu faith. Having said that it was his intention to assure that the Hindu public, the majority of them at least, would accept this proposition and admit the scheduled castes into the temples. Therefore he quoted that it was intentional not to make these temples available for those people who never believe in temples. Sir, even amongst the Hindus there is a section of the people who do not want temples, who say that idol worship is all nonsense and yet they are all Hindus and it shall not be given to them to invade the temples and make them deserted or desecrated by their thought or action. On the other hand it is the intention of this Government to enable all Hindus who feel that they have a right as Hindus to go and worship in a temple to do so. Therefore it is that this Bill was not proceeded with for the last 5 or 6 years. At last the Government have found the necessary public opinion for the enactment of this Bill and therefore we have brought it here to-day. Sir, this is the origin of the movement for the removal of untouchability. This is the biggest instrument for removing untouchability. Once the temples are opened, a thing in which we believe, a thing in which we want our brother Hindus to take part, then it is our intention that these temples shall be preserved and maintained and the Government shall see that such temples allow all the Hindus alike to come and worship as they choose. Sir, if before God, if before the shrine this vice of untouchability goes every Hindu will deal and move with every other Hindu just as if he were his brother. If every caste takes part in the worship then the biggest obstacle to the removal of untouchability is done away with. As I said in the other House, economically we may not have finances enough to give it to them, to raise them from their dependent position. With regard to their want of culture, of knowledge or education, they entirely rest with the Government and with the finances that are at the disposal of the Government. There has been change of heart on the part of Hindus on this question. There has been change of heart on the part of the Hindus just to show their own willingness to give to the Harijans the privilege of worshipping God. There has been change of heart that the stain of untouchability should be removed. If an Harijan is asked to-day to stand at a distance, he may retort and say ' I go to your temple; I go and worship your God and my God; where is untouchability?' This Bill gives us all an atmosphere of equality.

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" After this Bill is passed into law, I know there may be a few village temples which may refuse admission to Harijans. If they do so, it is because they are ignorant of law and of the consequences of the infringement of law. The other day the Civil Disabilities Bill was passed by the other house. When it becomes law, there may still be found some cases in which Harijans are prevented from enjoying certain rights, by people who do not know law, villagers particularly. There may be a few temples whose

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trustees by their influence and by their position in particular villages may prevent Harijans from entering the temples. If temples at Tirupati, Srirangam and other places are thrown open, scheduled classes cannot have any grouse against the other members of the Hindu community. When big temples are thrown open even if a few village temples are not thrown open owing to ignorance of law—scheduled classes will have no reason to grouse against the other Hindus with regard to temple-entry. This temple-entry is a factor which goes to remove untouchability; this temple-entry has got a unique position in the Hindu community; this I want to bring to the notice of the House.

“ We have not taken away the powers of the trustees with regard to the regulation of temple matters, admission into and worship in temples. To the extent to which Caste Hindus observe certain rules, Harijans also have to observe them. Trustees have been given certain powers under this Act. The trustee is given power to control the affairs of the temple, to maintain discipline and to maintain order. Consequent upon this Act, suppose one gentleman takes it into his head to knock at the temple at odd hours, says that the temple is not open and calls in the aid of the Police. He cannot interfere with the powers of the trustee. The trustee has got control over the temple; he regulates the affairs of the temple, takes disciplinary action and regulates worship in the temple. A temple is not built by one Hindu; it is built by all Hindus. Even the present Bill gives powers to the trustees to maintain order, etc.

“ One other point. What was contained in the old Act is repeated in this Bill also. No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under the Madras Hindu Religious Endowments Act, 1926, or any other law, shall be instituted in respect of any entry into or worship in any temple. No suit, prosecution, application or proceeding of the nature aforesaid, instituted before the commencement of this Act, shall be continued thereafter, without the sanction of the Provincial Government. If any question arises as to whether a place is or is not a temple as defined in this Act, the question shall be referred to the Provincial Government and their decision shall be final subject however to any decree passed by a competent civil Court in a suit filed before it within six months of the date of the decision of the Provincial Government. Whoever prevents a person belonging to any excluded class from exercising any right conferred by this Act or molests or obstructs any such person in the exercise of any such right shall be punishable, in the case of a first offence, with fine which may extend to one hundred rupees and in the case of a second or subsequent offence, with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees or with both.

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" There is one other point. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

" This is an enabling provision. It gives power to the Provincial Government to carry out the intentions of the Act. The Act is very clear. On the grounds I have mentioned, this Bill is one which the Hindu community needs, and needs very badly. Since public opinion is in favour of the Bill, there need be no difficulty in the minds of Legislators to give sanction to the passing of this Bill.

" In asking the leave of the House to introduce this Bill, I would like to state that the Hindus would be grateful to such of the hon. Members of this House who belong to other communities, to understand the implications of the Bill, to give their support to Hindus in their endeavour to consolidate themselves, and to help us to remove all difficulties in the way of our living as one community. I request hon. Members to give their wholehearted support to the Bill being introduced and passing through all its stages before this House.

" There is one point which I would like to report to this House. During the period of six months the Bill has been before the public, there has been only one representation from a few orthodox members who have asked the Government to exclude some temples so that in their opinion they may be reserved for them to continue their worship without the addition of these people. They say such permission may be given in the case of one or two temples. I am not at all unhappy over it, because I am surprised that there are not many such demands. After so many years of exclusion, only a small handful of people ask for this privilege. My surprise is that the demand is not made by numerous people belonging to orthodox society. Even the orthodox members of society have in a way compromised themselves to the situation. Perhaps only a very few people are against the Bill.

" I know the attitude of men like the late Srinivasa Sastri who some years ago pleaded that consideration should be given to the views of orthodox people who are representatives to-day of the old regime. Because Mr. Rajagopalachari wanted to make the motives of Hindus clear in modern times, he thought it his duty to bring forward such a Bill some years ago. I feel that the Government cannot, by any stretch of imagination, think that they are denying this privilege to the orthodox people. For, as I said in the beginning, the Hindu religion does not ask every one to go to the temple. It is open to some of them to have small temples in their own houses; they can allow only a few people. They will be private temples; they will not be temples recognized under this Act. According to the Hindu religion, everybody has the right to worship in his own particular way he chooses. As custodians of the rights of the citizens of this Province, the Government cannot

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exclude the public from entering public temples. It is with very great regret that the Government find themselves unable to meet the demands of orthodox people.

“ With these words I introduce the Bill.”

MR. PRESIDENT :—“ The question is that—

the Bill to authorize entry into temples in the Province of Madras and the offer of worship therein by certain classes of Hindus who by custom or usage are excluded from such entry and worship (L.A. Bill No. 9 of 1947) as passed by the Assembly be taken into consideration at once.’ ”

SRI H. M. JAGANNATHAM :—“ Mr. President, Sir, I cannot congratulate the Government on the legislation which they are seeking to place on the statute book. If this Bill—Temple Entry Authorization Bill, as it is called—has been motivated by a genuine feeling of repentance for the wrongs, indignities and injustices done to my community for ages past by the caste Hindus, and a sincere desire for social uplift, I should have rejected, and my community would have rejoiced that, with the withdrawal of alien rule from India, freedom has come to us just as much as to other communities inhabiting this land. 12-45 P.M.

“ But looking to the past history and antecedents of this measure, I cannot but regard it as a political stunt, got up at this psychological moment for propaganda and advertisement to the outside world that you are making amends for the age-long injustices inflicted on the Harijan community. We do not see any sign of a real change of heart.

“ Sir, I would be failing in my duty if on this occasion, I do not recall the great services and the pioneering work done by two of the respected and revered leaders of the Scheduled class community. I am referring, Mr. President, to the late Dewan Bahadur M. C. Raja and R. Srinivasan. They were leaders born from our community : they understood the special problems and difficulties under which we were labouring, and with tireless zeal and energy, they set about on their mission for the amelioration of the lot of the untouchables. I am sure Government benches will bear testimony to their selfless work in the cause of Harijan emancipation. The Bill which the Government are now pressing forward, I consider, is a belated outcome of their tireless efforts to see the Harijans enjoy equal civil rights in common with the other members of the Hindu community. I am sorry they are not with us now to see the fruition of their labours. But their spirit is watching us telling the Government : ‘ We are glad you have realized the need for this measure ; better late than never, and so we give you some measure of praise for this belated recognition of our rights.’ ”

“ The Leader of the House has admitted that the orthodox section—and let me remind the House that they are a powerful, rich and influential section, and are clamouring for setting apart certain temples exclusively for their worship. He also spoke of ‘ recalcitrant trustees ’ putting every kind of obstacle in the way of

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admission of the untouchables into the Hindu temples. Let me tell him, that is exactly what is happening now even in the case of the temples which you have already declared open to the Harijans with all the bombast and publicity given to such occasions by the highlights of the Congress Party. For the first time when he goes in the company of the big-wig, the outcaste is admitted, and you proclaim to the world that such and such a famous temple has been thrown open for the worship of the Harijan. But when the poor outcaste, the pariah or the untouchable goes next time, he is threatened, he is intimidated, and he is barred admission. That has been our experience, and there is nothing to enthuse us in this measure.

"It is true that you are prescribing penalties under the Law, but how can the poor man go to a Court of Law when he has no money to get his rights established? Sir, I will now come to the history of this Temple Entry business which has remained a mere paper agitation ever since the signing of the Poona Pact. I was one of the signatories of the Pact—I do not disguise from the House that fact, and I signed it partly under duress and partly because I was led to believe in the protestations of sympathy made by the caste Hindu leaders. Hon. Members will recollect that soon after the Poona Pact was signed, there was so much of lip sympathy expressed by the Congress leaders. The late M. C. Raja, with the approval and blessings of Mr. Gandhi and the support of no less a person than Mr. C. Rajagopalachari introduced a Bill in the Indian Legislative Assembly in September 1933. That Bill was in its intent, scope and purpose much more wide and comprehensive than the present measure.

"What happened to that Bill? It is a very instructive study of the psychology of mind of the caste Hindu leaders. No less a person than Pandit Madan Mohan Malaviya opposed it tooth and nail. It was received with mixed feelings from Government Benches, and the then Law Member, Sir, B. L. Mitter, damned it with faint praise. But he did raise a very pertinent point which I would like to put to the Government in the present context. The Hindu social order is composed of four castes, i.e., Brahmin, Kshatriya, Vaisya, Sudra and if there is to be no Sudra or untouchable, then they have to be brought under one or other of the three castes. If the outcaste ceases to be an outcaste, then to what caste are you going to assign him? I would like to have an answer from the Government on this point from to-day onwards. Sir, I am no more an untouchable and no more an outcaste, thereupon Sir, am I to be styled as Naidu, Mudaliyar, Pillai, Raju, Varma or Rao?"

MR. PRESIDENT:—"Does the hon. Member like to bring an amendment to the Bill?"

* SRI H. M. JAGANNATHAM:—"Mr. President, while I do not for a moment underrate the importance of removing social inequalities and prejudices, I do say, Sir, that the question of bread and butter is of supreme concern to us. Our community being in

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the bottom of the economic ladder living the life of the slum dweller in the cities and landless labourers in the villages, we need special facilities for education, medical relief, and patronage from the Government. Give us lands for cultivation, give us schools and colleges for educating our children, reserve all the higher posts in Government service till the present inequalities are redressed.

" There is no use in your throwing temples open to us and asking us to stick to the Hindu religion. The dynamic of bread and butter are too potent and powerful, and any appeal made on behalf of religion cannot make any impression when the body is not well fed, well clothed and well housed. The Great Mahatma has himself admitted that a people famishing and suffering for want of work, the only acceptable form in which God dare appear is work and promise of food as wages.

" Mr. President, of the Four Freedoms which President Roosevelt enunciated in our view freedom from want and freedom from fear must proceed freedom of speech and freedom of worship. Speaking on behalf of the eight million untouchables in this Presidency, ' we can only think of entering into your temples and worshipping God, if our stomachs are full and if we are assured of freedom from want and freedom from fear.' That ought to be your supreme concern, and objective, and temple entry only takes a secondary place in the eyes of the down-trodden masses of outcastes and untouchables. Let the Government address themselves to this supreme and urgent task. Mr. President, I think it is the Hindu way to worship God with empty stomachs.

" Mr. President, the Harijans are not the sole beneficiaries of this Temple Entry Authorization Bill. There are the so-called high caste Hindus who are styled as Nadars, Gramanies, Sanars, Vaniyars of Tamil Nadu, the Ezhavas and Thiyas of Malabar. I do not grudge their getting the benefit in our name. Only I feel bound to request them not to harass my people in the villages, as they are now doing in several parts of the Province. In Malabar, Sir, not merely untouchability exists in virulent form, not merely are Harijans not allowed anywhere near the precincts of the temple, but there are much greater sins and social evils like unapproachability, unseeability and unthinkability. The eradication of these evils must receive the urgent attention of the Government, where is the justification for these customs and practices even in Hindu Sastras?

" If I may quote the Smrithi, '*Swapa, Chopi Mahee pala Vishnu Bhaktho Dwi Jathika-Vishnubhakathi Veheenasthu Ethhi Swapachadhama*' meaning thereby that even a Chandala if he is a devotee of God becomes greater than Dwij. If he is an *yati* who has no devotion to God he becomes a *Chandala*.

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"I hope and trust, Sir, that with the passing of this Bill there will be a real change of heart in our caste Hindu masters, and that the Government will address itself to the eradication of all social economic inequalities that exist to-day and elevate the Schedule Classes to their own level with these few words I request the Hon. the Leader of the House to give us food, clothing and house to live in."

* DR. V. K. JOHN :—"Mr. President, Sir, I do not share the reaction created by the Bill in the mind of the hon. Member who has just sat down. I think this Bill is a great advance and a landmark in his history of social reform. I therefore congratulate the Ministry on introducing this Bill. Ministers are leaders of public opinion and I am glad and gratified that they have given a correct and good lead in this matter.

"I am also gratified, Sir, that the Leader of this House has given the lead himself. It is quite possible, Sir, that in his previous birth Dr. Rajan might have been a Brahman and might have been a tyrant too, and that is why, I think, he has been born again for the purpose of removing untouchability, because, I feel that what he said in introducing this Bill, came from the bottom of his heart."

MR. PRESIDENT :—"I am glad to know that you believe in re-birth and re-incarnation."

DR. V. K. JOHN :—"Sir, there are many who believe in re-birth. (A voice : 'Do you believe in it?') I must say, Sir, that I am a great admirer of Hindu metaphysics and mysticism.

"Sir, having said that this is a Bill which we should all welcome, I regret to say that there is no evidence that the Government will establish an economic democracy in this Province—Social democracy and economic democracy are like the legs of a man. If you want to march forward, you should take one step forward with one leg and then you must move the other leg and place it in front of the first. Therefore, Sir, this step forward, this advance towards social democracy must at once be accompanied by another step towards economic democracy. I do not find much evidence of it in this Bill at all. Sir, I should have liked that the Government introduced a Bill in which they provided that all the surplus funds in the temples are given over to the uplift of Harijans, that a section of this Bill contained a provision that at least a portion of the funds of temple is utilized for the educational uplift of the Harijans. I do not find any such provision in this Bill. Nor do I find that this Government, which is a popular Government, a Democratic Government, a National Government has any plan at all to introduce economic democracy in this Province. Sir, unless you have a socialistic state, you can never make a real advance. This Bill whose object is to open temples to Harijans will not be of much benefit to the Harijans, unless you create a socialistic state, an economic democracy, that is a democracy based on a different economic structure, based not

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on exploitation and competition as it is to-day, but on co-operation and service. I hope, Sir, that the Leader of the House and other Members of Government will realise that the other leg also move and raise the economic condition of the Harijans.

" Sir, I would go further and say that in making this social advance, I would expect the Ministry to abolish caste system altogether. After all untouchability is one aspect of caste system. Then, why not abolish the caste system in this Province altogether? Why should not the Government, which with one stroke of the pen, changed 'Mr.' into 'Sri', order that nobody should be called with the appellations Menon, Reddiar, Mudaliar or Chetty or Ayyangar? Sir, the Muslim society is not like the Hindu society. It is a great social democracy. But the Hindu structure of society is like that of a brick wall in which bricks are placed one upon the other with the untouchable at the bottom and the forward few at the top. If you want to remove one brick, you must destroy the whole wall. Sir, we want to destroy that structure of the Hindu Society and by destroying it, we not only abolish untouchability, but we abolish the caste system altogether. I would therefore ask the Government to consider this suggestion seriously. Sir, the abolition of the caste system and the democratization of the Hindu society would not only solve the differences between the different castes among the Hindus, but it will also solve the difference between Hindus and Muslims. Once the structure of the Hindu society is revolutionalized, or at any rate, altered, then all communal problems will be solved and there will be peace all round. I hope therefore that the present Ministry will bear this in view and introduce a Bill in the near future, removing not only untouchability but the entire caste system altogether.

" Sir, coming now to the principles of the Bill, section 6 of the Bill states that if any question arises as to whether a place is or is not a temple as defined in this Act, the question shall be referred to the Provincial Government and their decision shall be final subject however to any decrees passed by a competent civil court in a suit filed before it within six months of the date of decision of the Provincial Government. Sir, the Government in the past—the present Government are not responsible for it—had an inclination to exclude the jurisdiction of the court in cases where the courts should have jurisdiction and were inclined to give jurisdiction to courts where the courts ought not to have jurisdiction. It is very difficult to find out whether a particular temple is a temple within the meaning of this Act.

" Now, Sir, I might bring in by way of analogy the law relating to market to explain the position. Legislation in England and in India attempted to define the term 'market' which a place where foodstuffs and other edibles are sold. But the attempt failed as it was impossible to give a correct and comprehensive definition of the term 'market'. At the end the question was left to the decision of the Government. Section 310-A of the City Municipal Act and the corresponding sections in the District Municipalities

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and Local Boards Act provides, that if there is any dispute or doubt whether a particular place where edibles are sold and where people assemble is a market or not, it is left to the decision of the Government which is final. Now a similar provision has to be made in this Bill also with regard to the question whether a particular place is a temple. What I therefore suggest is that jurisdiction ought not to be given to courts at all. This section does not say that the Government will be a party to the litigation. Now, Sir, when a Harijan enters a temple, he claims that that is a temple within the meaning of this Act. Suppose a trustee or somebody else connected with the temple contends that it is not a temple within the meaning of this Act, that is, a place which is dedicated to, or for the benefit of, or used as of right by the Hindu community in general, as the place of public religious worship, then what will happen? It is a very difficult thing, Sir, even for a court of law to find whether a particular place within the meaning of the word 'temple'. If there is litigation, the poor Harijan will find it very difficult, to prove that the place is a temple; he has not got the money, the means and the convenience to carry this matter to a court of law and fight it out. Therefore, Sir, I suggest that this section 6 ought not to have given jurisdiction to the courts at all. This is not a matter for the courts to decide. I suggest that the jurisdiction of the courts may be taken away. If the Minister finds that difficulties are experienced in the working of the Act he may as well get the Act as amended on the analogy of section 310-A of the City Municipalities Act which does not define what a market is; Government may as well in this case decide finally what a temple is. That will be very much better. The Government ought not to give jurisdiction to courts wherever it is not necessary and take away their jurisdiction when it is necessary. Sir, as a lawyer member of this House I regret to say that this is a clumsy piece of legislation. Section 1, sub-section (1) says: 'This Act may be called the Madras Temple Entry Authorization Act, 1947'. Then sub-section (2) says: 'It extends to the whole of the Province of Madras'; and again in sub-section (3) we find 'This section shall come into force at once' and that 'the remaining provisions of the Act shall come into force on such date as the Provincial Government may, by notification appoint.' I do not know, Sir, why the first section alone should come into force at once. The Government ought to have been better helped in the drafting of this Bill. We are all parties to this piece of legislation, and I suggest that somebody looks up precedents in regard to provisions such as those embodied in clause 1 of this Bill.

"One more remark I want to make, Sir. That is with reference to the claim of a few people who say that this Bill ought not to have been introduced at all. Sir, I hold the view that a democratic form of Government, shall always follow one principle. And that is a minority one—whether it is communal, ideological, economic or social, a minority should never be oppressed at all. The minority must be treated very generously, very favourably,

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by the majority. But, Sir, I have no doubt that in a case where the minority insists that a social offence—and I consider the banning of entry into a temple is a social offence—should be perpetuated, the majority need not show any generosity, should now show any quarter. Therefore, we need not be apologetic at all when some orthodox or ultra-orthodox Hindus want to perpetuate a social disability. When a minority is asking for the perpetuation of a social offence, there need not be any apology at all to legislate against its views. I do not think, Sir, there is any necessity for either the Leader of the House or anybody else at all to apologise to this minority section of the Hindu community. After all they are not many in number and perhaps if this Bill comes into operation, they will cease to exist. Sir, I once again congratulate the Hon. Leader of the House and the other Members of Government on introducing this Bill."

* DR. SYED TAJUDDIN SAHIB :—" Mr. President, Sir, I believe that great forces are on the move; there is something going on in time and space; no, I would say even beyond time and space something is going on. A marvellous story is unfolding itself before not only the physical and mental, but the spiritual eyes of men. In India we are living in very very stirring times. As such, Sir, this Bill which is going to emerge to-day taking a final shape and form, has not come I believe a day too soon, or rather I would say it has come a day later. But I suppose, 'better late than never'. I will characterise this Bill as 'open sesame' by virtue of which most of the shrines in Southern India if not all will be thrown open automatically—their gates and their doors will fly open as if by the magic word 'open sesame.' But I am not quite sure whether this Act is going to be observed by the hierarchy or the higher classes, I mean the touchables, the caste-people of this Province. Unless there is a change of mentality, change of heart, unless such a thing springs from the free will of the people who alone can give it life it will be only a dead letter. We have already seen what has been the fate of similar social Acts such as the Sarada Act and the rest of it.

"It is a mystery, Sir, to me and to many others why Gandhiji was unwilling to throw open the shrines for the use of the untouchables before 1932,—it is indeed a mystery. The other significant point is: he is totally in favour of the caste-system though totally against untouchability as he conceives it to be. This is a very inconsistent position, in my opinion.

"Hinduism can be compared to a chariot with two wheels, the one is untouchability and the other the caste-system; or, to vary the metaphor it can be likened to a structure subsisting upon two pillars, if you remove one of them the whole structure will topple down, because they are intimately interlinked with each other. Anyway, I hope and pray that the Congress party before long will bring in a measure to do away with this time-honoured caste-system which is like a canker or a cancer eating into the very vitals of the Hindu body politic. Sir, my belief is that, as the hon. Dr. John expressed, most of the Hindu-Muslim tangle is due to

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this caste-system. We, Muslims, are not treated in a better way in certain things, than the untouchables by the caste people. For the matter of that, even other minorities such as Christians share the same fate. I believe, Sir, that if the caste-system is done away with in this great country of ours, most of the troubles, social and political, will disappear in no time. I hope the Congress hierarchy will take it into their heads to bring in such a measure as soon as possible. Anyway, Sir, for the good beginning the Congress has made in this direction, they deserve a measure of praise and thankfulness.

"Sir, among the great leaders of Hindus, I think the great Nehru is neutral or colourless so far as religion is concerned; he is a devotee, I should say, in the shrine of the Soviet Russia; he believes more in socialism, if not in the other extreme form of socialism—communism: he has no fixed ideas about religion at all."

MR. PRESIDENT:—"But are we really concerned with that now?"

DR. SYED TAJUDDIN SAHIB:—"In passing I say it, because he is not so much interested in these things unless it be for political purposes. It is only the other leaders who should come forward and understand the inner workings of the minds of the other communities and bring in such measures as will ameliorate the various conditions, troubles with which we are face to face in this country to-day."

"Sir, I have nothing more to say, except once again to thank the Government for bringing forward this measure in the way of breaking ice in this direction."

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p.m.

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"On a point of personal information, Sir, may I know what the procedure is, in the absence of amendments, whether the Bill would be passed even at the first reading, or are you going to allow a third reading? That is what I want to know."

MR. PRESIDENT:—"We will go through the whole procedure. This is the stage of introduction of the Bill and the discussion on the principles will now go on. We will take up the amendments afterwards and then go on with the Bill clause by clause."

* SRI K. VENKATASWAMI NAYUDU:—"Mr. President, Sir, this is a very proud day in the history of the Government of Madras when they are introducing this Bill for the solidarity of the Hindu society. I think, Sir, on this occasion, we should not minimize the importance of this legislation. My hon. Friend, Mr. Jagannatham, felt very suspicious. I do not blame him because, by dint of long suffering, he still holds on to what has been going on but I can assure him that this bit of legislation must remove all such suspicions. Here, in this Bill, the most valued thing of the Hindu society, the temple, is now made equal to all. When that is done, suspicions must go. So, I feel, Sir, that this piece of legislation which has such an abundant volume of opinion in its favour will remove all such suspicions."

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" Secondly, Sir, my hon. Friend, Mr. John wanted social equality. That is a separate matter that will come in its turn. This Bill is a great step towards such social equality and hereafter the only difference will be the difference between the rich and the poor. Hereafter, there will be only two castes in Hindu society, the rich caste and the poor caste. I also welcome my hon. Friend Mr. John's suggestion that there should not be any more appellations attached to names. In fact, Sir, when I was a student, when I was a law apprentice, I was simply called by the name Venkataswami. My master, Late Mr. Ethiraja Mudaliyar, put the appellation 'Naidu' and since that time, I am having it. If I had a son, I would have certainly not given him this appellation. So, Sir, our children should not be called by these appellations but only as Mr. So and so, and it will be a great step towards unity. As scouts, we have grouped all boys together, whether they are Christians, Muslims or Hindus and we also know how proud we are in a Scout gathering. So, in society also, we will have similar groupings. This step will go a long way towards the solidarity of the Hindus and it will prove that the Hindus are one in the eyes of all. Sir, the other day my hon. Friend, Mr. V. I. Munuswami Pillai, and myself went to the Varadarajaswami temple at Conjeeveram. The previous day when everything was decided and when the time was also appointed to go into the temple, my hon. Friend told me in very touching words, 'Tomorrow Varadarajaswami is going to give us Darshan; he is going to take me into his temple.' Then, Sir, I would also like to mention the way in which thousands of Harijans are feeling and they are so much touched that they feel that they have got a great status now after this Temple Entry Act.

" Of course, Sir, there is a certain amount of opposition to this Bill from some other sections of the people but that is inevitable. It must be realized that when the Hindu society was about to be destroyed, three great sages, Madhwa, Ramanuja and Sankara came to resuscitate Hinduism. It was then that Ramanuja, a thousand years ago, took the Harijans into the temple at Melkote as was referred to by the Hon. the Leader of the House. My uncle is now at Melkote witnessing the Harijan entry festival at Melkote temple. So, for a thousand years, the orders of Sri Ramanuja were obeyed. But then things changed and that practice has not been followed in any other temple.

" Now, Sir, we have taken up a great piece of legislation which will save Hinduism. It is Mahatma Gandhi, the saviour of Hinduism, who has taken up this matter and has brought about a change in the minds of the Hindus. To-day he is living in a 'banghi' colony and it is simply to show that there is no difference between the Harijans and the Hindus. Then, in the year 1938, Sri C. Rajagopalachariar, when he was Prime Minister of this Province, brought in the Malabar Temple Entry Bill and he also promised a temple entry bill for the whole Province. He tried his level best to proceed with it but unfortunately, the Congress had to leave the office suddenly. Now it was left to his lieutenant, Dr. Rajan, to carry out the thing and we are sure this Bill will

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have less opposition now. We are to-day passing a grand piece of legislation and I am really proud that it has been given to us to pass this Bill. If this is done, we would have done a good service and deserved our name as legislators of this Province.

"Sir, one other thing more I want to say. Some of our hon. Friends said that this is a political stunt. I say it is not anything like that, because it is something that has been ordained by that great man, Mahatma Gandhi, and he makes no stunts. Those hon. Friends who call this as a political stunt must understand that this piece of legislation is something which would bring about the unity of the Hindus and so, we must all see that our less fortunate brethren are made equal to us in all respects so that Hindu society may be a solid one and there are great forces in this country to-day which are working towards this solidarity."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—"Mr. President, Sir, as a Muslim, I welcome this measure as it is intended to remove the inequality and the indignity to which a particular community is put to in a particular field of activity. Well, Sir, as I have told you, I belong to a religion which believes in complete equality of man. Not only it preaches this principle but it has been practising this equality from olden days. It is why, Sir, I welcome this measure as it intends to remove the social inequality and also the indignity imposed on a certain class of people, and that too, on account of birth. Sir, we Muslims, do not believe in any kind of inequality by birth or otherwise; because, according to our religion, every child that is born is free from any sin. Every child is born innocent whether its parent is Hindu, Muslim, Christian or Jew, and it is free from any kind of sin. My religion goes further and says that it is the parents that make the child a Christian, a Jew or a Muslim. So, Sir, perfect equality of man exists in our religion. From the very beginning this equality of man has been understood and practised by Muslims. In the days of the Second Caliph Omer the Great an incident took place: One day, a king who had become a Muslim just some time ago was performing a religious act within the precincts of Ka'ba, the place towards which Muslims turn their faces during prayer; another Muslim who was a commoner was also performing the same religious duty close to him. By accident the commoner touched the hem of the garment of the king. The king became enraged and struck him on the face. The commoner reported the matter to the Caliph and the Caliph sent for the king and asked him to explain his conduct. The king replied that the commoner had insulted him by touching the hem of his garment and that but for the fact that the incident took place within the sacred precincts of the Ka'ba he would have killed him with his sword. The Caliph at once reprimanded the king and told him that all were equal in the eye of the law, that as such he should make amends to the commoner for striking him and get himself pardoned by him and that if that was not done he would have to submit to the penalty prescribed by the law. This incident took

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THE HON. DR. T. S. S. RAJAN:—"Does it refer to the worship? My reference was to the view held by the Hindu religion with regard to worship."

* K. T. M. AHMED IBRAHIM SAHIB BAHADUR:—"What ever it is, Sir, my point is whether it is advisable that members on this side composed of different groups, holding different views and belonging to different communities, should be asked to concur in and enforce the policy with regard to religious practices by means of measures of this kind. That is a matter which, I hope, will be seriously considered and this suggestion of mine will give food for thought for the hon. Members opposite."

"One other point also, I would like to point out on the floor of the House and that is this. While speaking about these temples in the other House, reference was made to symbolic worship. As a Muslim, Sir, I cannot and do not believe in symbolic worship. Islam preaches unqualified unity of God and anything that savours of any departure from this unqualified unity is deprecated. Such being the case, my support to this measure should not be taken to mean that I support all that is taking place inside the places of Hindu worship. Sir, it was contended that Islam also allows of symbolic worship because the Muslims turn towards the west when they pray, and that is, also a form of symbolic worship. Here, I would like to remove the wrong impression that might be produced by such a statement. We,

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Muslims, do not believe in symbolism in worship, but we believe in contemplating only the Supreme God without any symbol of any kind whatsoever. That is why even the taking of photos is prohibited by the Shariyat and Gandhiji himself has accepted the view of Islam in this matter some time ago.

“ With regard to our prayers I may tell my hon. Friends that when we turn towards the west, we do not revere the direction. I may tell my hon. Friends that just as we in the east turn towards the west, the Muslims of the west turn towards the east, the Muslims of the north turn towards the south and the Muslims of the south turn towards the north. Why is it? It is for the sake of uniformity in worship resulting from the unity of God; unity of the human race and it is for that purpose that we turn in one direction, i.e., towards the Ka'ba where the first temple of God was built. It is towards the Ka'ba in Mecca that all the Muslims turn and that is done in order to produce in the mind of the worshippers unity of God and equality of all human beings. It is only for that that during our prayers no word is uttered and no praise is uttered either to the Ka'ba or anything else. We do not therefore have any symbols in our worship of God. We believe in complete unity of God and anything that savours of the slightest detraction from that unity is completely denounced and any edifice that is built upon it must be completely destroyed.

MR. PRESIDENT :—“ You want to destroy this Bill? ”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“ No. Sir, I support this Bill because it tends in the direction of Islam in giving all the sections of the Hindu society equality which was denied to certain sections on account of their birth and it is because that it is a step in the direction of Islam, I welcome a measure of this kind.”

The House then adjourned to meet again at 2-30 p.m.

(After lunch—2-30 p.m.)

MRS. MONA HENSMAN :—“ Mr. President, Sir, it is with hesitation that I open my mouth in this debate. It is not very often that I hesitate, Sir, but I do so this afternoon because some might criticise me for speaking on a subject with which I am not personally connected. But, Sir, I take it that you hold the larger view for, all of us are members of this House and members of a nation irrespective of any other consideration and if we have comments to make in a helpful and co-operative capacity then we are free to make them wherever we stand and it is in that spirit I would like to congratulate the document because we more than waited from 1937 when the other Bills were brought in, in 1939 and because this Bill that is before us gives us a clue to the labyrinth of social mis-wellbeing, shall I call it, not well-being but anything that prevents wellbeing, that has surrounded us for so many days.

“ Sir, I would like to point out just two or three places where I hope that a Bill of my view will include, more than this Bill is doing to-day, that which I would like to bring up by the way of an amendment, perhaps to the point. I think this Government ought

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to march on cautiously. This is a cautious Bill welcomed by very many people, and more have given their voices of congratulations; all over the country people have welcomed this Bill, but still there will be a silent crowd, a crowd that has not been won over and not being convinced and I quite understand the policy of the Government, that they must go fairly slowly. For instance, clause (3), instead of saying: 'Notwithstanding any law, custom or usage to the contrary, persons belonging to the excluded classes shall be entitled to enter, etc.' I would have said 'to all the rights and privileges of the Hindu religion in full'. But, as I said, Sir, this has to proceed cautiously and I would like to point out a few places where the privileges and rights in full might in future be bestowed in amplification of what has already been given in this Bill.

"Now, Sir, there is nothing in this Bill about reservation of separate ceremonies and I do not know this applies to cases in general. In clause 4, there is power given to those who are in authority in the temples should prescribe what ceremonies and observances should take place. So, there is reservation to be had, but I trust the greater implies the less and that clause 4 means that there shall be nothing to prevent anybody from performing any ceremonies in any temple at any time. I just want to ask that as a warning because this question might be made clear and some people who might want to resort to certain ceremonies might be free to do so under the present Act.

"Then Sir, about the services of the temples, I gather if a person has taken the responsibility of the consecration of a performance, any man may be free to serve in the temple in any capacity. That, Sir, is not one of the privileges given under this Bill, but as I said about the other matter, this might be one of the few things to come. I hope that those who are serving the temple in the fullest and truest spiritual capacity might also be chosen free of castes and classes that have been by custom and usage functioning till now.

"Next, Sir, about the funds and allotments to the temple. I see nothing in this Bill that allows anybody of the classes who are now allowed to enter the temples, and no authority given to them, to distribute and have a voice in the distribution of the endowments and the funds of the temple. If that is still a reservation of custom and usage, then, Sir, I feel that there will be still a certain amount of disadvantage, or underprivilege, in the matter and I trust that now or at some future date, these will be removed. Of course, I do understand that in one of the final clauses of the Bill, i.e., clause 9, Government have taken power that if any practical difficulty arises, they may make whatever arrangements they may like to remove them and that they will be free to deal with any crisis that might arise in any manner they think fit. It may be in the matter of allotment of funds or endowments or moneys attached to the temples and I believe that the same privileges which the privileged classes were hitherto enjoying might be extended to these people also, not only in sharing them, but also to help in the distribution of the same. But, Sir, perhaps these may be covered later.

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"Then, Sir, burial grounds. I am not aware that entry into temples does not cover also burial. I take it that whether this clause covers every man and woman of this earth—they have existed together in birth, marriage and death—Sir, we all wish that at the time when we leave this world, we may be able to honour those who are near and dear to us in the fullest sense possible."

MR. PRESIDENT :—"I think it is there in the other Bill."

MRS. MONA HENSMAN :—"But, Sir, I thought it did not make it clear enough that in any burial ground, irrespective of caste or creed, but if it is there, well and good."

MR. PRESIDENT :—"That is allowed for and no class will be excluded."

MRS. MONA HENSMAN :—"Thank you very much. I then stand corrected."

MR. PRESIDENT :—"Moreover, I think, it is the complaint of those classes that they are buried already sufficiently deep." (Laughter.)

MRS. MONA HENSMAN :—"Well, Sir, I am glad. We know that it extends not only to this life of the body but later on to the soul also."

"The last point of mine is, as I first began I will also end, that just entry, just bathing in the sacred waters and just passage into shrines is indeed, as far as any land is concerned, welcome and a law might be put on the Statute Book to that effect but we have to see that the people do all that. I trust that in the future more privileges than that will be given and indeed the full rights and privileges and that they will be extended to everybody in the Hindu religion."

"Then clause 5, should also read thus: 'whether before or after the commencement of this Act, such privileges be enjoyed to the fullest extent possible.' I trust that the clause I have mentioned will extend privileges of the fullest responsibility to all the members of a religion that has proved through the ages that it has got purity and reasonable sanctity in every walk of life and that this religion has entered every part of life, eating, sleeping and living. I congratulate the Government on trying to extend these privileges."

* SRI R. SURYANARAYANA RAO :—"Sir, I also join the Hon. members of this House in congratulating the Government in bringing forward this measure which is long overdue. However, Sir, I fear there are one or two clauses in this Bill which might be nullified by decisions of courts of law. The hon. the Lady Member, Mrs. Hensman, referred to clause 4 where power is given to trustees to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in temples. Sir, as far as I am aware, there was no such clause till now in any legislation to regulate the maintenance of order and decorum. Is it, Sir, because they feel that when these friends of ours are permitted to enter the temples, the need for maintenance of order and decorum arises? I do not know why this clause is put at all. Even now there are temples in which certain regulations

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do exist but they are more observed as conventions and do not find a place in any legislative measure as far as I am aware. I do not know, Sir, why this clause should find a place here when there is no need for it and this makes one naturally feel, if I were a member of the excluded classes, this clause is meant to cast an unmerited slur which we do not deserve. All the effect of the good intentions of this Bill are nullified by that, Sir.

“ Then, I take clause 6. ‘ If any question arises as to whether a place is or is not a temple as defined in this Act, the question shall be referred to the Provincial Government and their decision shall be final.’ It ought to have stopped there, but it goes further and says ‘ subject however to any decree passed by a competent civil court in a suit filed before it within six months of the date of the decision of the Provincial Government.’ I am sure a number of civil suits will crop up because every temple authority will quote some ancient Smritis or Srutis, some documents or leases granted by ancient kings to show that that particular temple was intended to be used in a particular manner and for the benefit of particular communities and therefore, to allow these excluded classes would be violating the intentions of the original donors and so on. I wish, Sir, that the Government had not given this power to the courts to decide the disputes. Once you give this power to the courts, I am afraid, Sir, many of the temples will become involved in legal disputes. I say, Sir, that Government should have taken all the powers to themselves because their intention to throw open these temples to all communities may not be realized if they have to depend upon the decision of the law courts and we know, Sir, how people are prepared to spend lots of rupees perhaps to establish their right for a particular form of worship even and who will be prepared to spend much bigger amounts to prohibit the entry of certain classes of people into their temples. Then, Sir, I do not find any reference to clause 4 in clause 7. Whoever— (i) prevents a person belonging to any excluded class from exercising any right conferred by this Act, or— and so on. Supposing some regulations are so framed as to prevent the excluded classes from going beyond the *dwajasthambam*, supposing there is regulation preventing one class from going beyond the mantapam and only certain classes can go up to the *sanctum sanctorum*. By giving the imprimatur of a statute by clause 4 it does not prevent them from doing it and still say that the temples have been thrown open. I wish, Sir, the Government had even the powers that these regulations are subject to confirmation by Government to prevent the trustees from exercising the power vested in them under clause 4 in a way detrimental to the interests of the excluded classes. I say, Sir, that if the temple authorities do that and persist in enforcing these regulations bring them under clause 7 and impose penalties on them. Sir, if this reform is to be carried out successfully, the courts should not be left to decide these matters and the executive orders must prevail and as the intentions of the Government are good and they intend to enforce rights which are denied to certain classes of the population, they should have the power in their own hands in order that they may see that their intentions are carried.

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I only want, Sir, that the interference of the courts should not interfere with the rights that are granted under this Act. I am making these remarks as a lay man pointing out what is likely to happen. I am very glad that this Bill has been brought forward and I am anxious, Sir, it should prove a success."

MR. PRESIDENT :—" The Government have such powers under clause 9."

SRI R. SURYANARAYANA RAO :—" What I am anxious, Sir, is that if any such occasion arises necessary amendments should be made so that the intention of the Government will be carried out.

" I congratulate the Government, Sir, for having found time to bring this Bill, the most important Bill. Without this Bill, Sir, the Removal of Civil Disabilities Act would not have been so very effective and now the excluded classes are entitled to all the privileges to which the caste Hindus are entitled to."

SRI MOTHEY NARAYANA RAO :—" Mr. President, Sir, I wish to express my word of appreciation for this very important legislation for the upliftment of the Harijan community. It is a very important social legislation. There is no doubt about it. All true exponents of Hindu religion have spoken against this curse of untouchability for ages and the Congress since 1920, under the leadership of that greatest man of the world, Mahatma Gandhi, had tried their best to extricate the downtrodden class from this curse and drive this demon of untouchability from this land of ours. This is called the holy land where rishis have lived and our religion is perhaps the oldest in the world and we can say without fear of contradiction that the other religions of the world have had their inspiration directly or indirectly from our religion. It is a very broad-based religion, most scientific, based upon the law of the spirit and the matter and what not? Such a beautiful religion, such a most cosmopolitan religion, a religion which gave hospitality to everyone in the world is looked down upon because of this untouchability. It is because of this we are looked down in the eyes of the world. Various reasons have been attributed for this custom that has been prevailing in this country for a long time. Some people say that the Aryans have come in and the owners of the land are the Harijans. The Harijans have been driven out of the towns, Aryans have ignored them and have put them into this humiliating condition. Now we are also in the eyes of the world slaves. 'As you sow, so you reap.' This is one of the greatest sins which we have committed. It is high time I think when we want freedom for our country, when we want to be free from all exploitation that we should behave ourselves properly and atone for our own faults. We have treated them very badly. It is the worst kind of exploitation that the world has ever seen. It is high time that the caste Hindu repents for his fault and says that this demon of untouchability should be got rid of from this country of ours. The Congress has been very sincere. My hon. friend Jagannatham, thinks this is merely a political stunt and a mere camouflage. It is not at all so. You cannot attribute such motives to Mahatma

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Gandhi. He has been in season and out of season and day in and day out labouring for this cause and trying to remove it from this land of ours. We have seen how from every quarter of this House there is only support forthcoming for this Bill. The Congress has been advocating this reform for the last 27 years and now after the new Congress Ministry, I mean the Prakasam Ministry, took office they have taken up this question with more earnestness and zeal. The Bill for the removal of the Civil Disabilities of Harijans and this Bill for temple entry and also the sum of a crore of rupees set apart for the uplift of the Harijans and the other schemes recently published will go a long way to remove this problem of untouchability. The scheme which was recently published, the Colonization scheme, is intended to make the Harijans and caste-Hindus live together in some places. These will go a long way, a very long way in uplifting the condition of the Harijans. Mr. Prakasam with great courage and without fear or favour, took up boldly all these schemes and this Ministry has got a legacy which they can follow up usefully and serve the people. The hon. Mr. Farookhi Sahib said that the Prakasam Ministry had to go out of office because of its very revolutionary legislation. I have to differ from him. The Congress is committed to certain policies and Mr. Prakasam with courage had put them into practice. They form the items of the manifesto which was issued by the Congress during the elections. The Prakasam Ministry took this bold step for the removal of this curse of untouchability.

“ As I said, Sir, we do not really understand for how long this custom has been in existence. The Upanishads describe a Panchama as one who is a downtrodden man, who is a liar and who does not act up to his dharma. There is no reason why he should be classed as an outcaste simply because he was born as a Panchama. We do not know when this evil has crept into this society. If people still believe that by allowing the Harijans to the temples they will be committing a sin, it is sheer superstition, ignorance and stupidity on their part. I think there is now a great change in the country and we see that not one of the archakas have resigned since the temples have been thrown open to the Harijans and if some act otherwise, it is only because of superstition. There are the caste-Hindus who say that the Harijans are not healthy, are not clean and do not lead a good life, they are immoral and drink and all other things. I would say to them that you should not judge such persons from their outward appearance and environment but see if they are pure in their hearts. There are many trustees of temples who are immoral and all sorts of things. The Harijans may be unclean but their hearts are pure and they go with that into the temples. Whereas the trustees and archakas who are clean and appear good in outward appearance but lead the worst kind of life, are allowed to enter the temples, the poor Harijan is not permitted to do so.

“ All these will go a long way to blot out untouchability from our land; but still a lot has to be done and we are trying to find

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out where the citadel of untouchability is and we are trying to throw it into the Bay of Bengal. But we are not still able to find out. It is a fact that the economic condition of the Harijans should be improved side by side. I would suggest in that connexion that a boy and a girl from every Harijan family should be taken by Government and they must be educated in Gurukula Ashramam and by that means I am sure we would be able to achieve very good results. But the Harijans must be forced to give one boy or girl from each family to the Government so that he can be educated and brought under a particular system and discipline and then turned over to some service or other. Education and economic improvement are the two things that are essential for the uplift of the Harijans. I say once more that this Government have done well in bringing this piece of legislation and I hope that the caste-Hindus at least now will wake up and see that there is no obstruction offered to any Harijan getting into the temples. If they want to find fault with this measure, they can do it. As my hon. Friend Mr. Suryanarayana Rao said there will be some difficulties and if you want to find out difficulties, there will be innumerable difficulties. As a matter of fact every new legislation gives rise to a crop of litigation and there is always room for it. Therefore, it is that I appeal to the caste-Hindus to take this law in the spirit in which it is given and see that there is no obstruction for the entry of Harijans into temples and that there is a real change of heart. Supposing this matter is taken to the U.N.O. with what face can we look at them? You have come into this land of theirs and we have been treating them with shame and humiliation, is it not better that before things get bitter there is a change of heart among the caste-Hindus. They must repent and they must atone for all the sins that they have committed and the wrong they had done to them. They toil for us from day-break to night and they give us bread and butter."

THE HON. SRI K. MADHAVA MENON :—" Mr. President, may I also express my gratification that at last this Bill has come before us and it will be law very soon. I am particularly thankful because of the conditions that prevail in the district of Malabar. Most of the important temples in the other districts have been thrown open to the Harijans but except for one temple in Malabar, namely, Lokanarkare temple in North Malabar, no other temple has been yet thrown open to the Harijans in spite of the fact that sufficient propaganda had been carried on and even a referendum was taken in that district some ten years ago. The reason for the state of affairs there is that, on account of the matriarchical system of inheritance that obtains there, almost all the trustees of important temples in Malabar are old by the time they come to the trusteeship of the temples. The zamorin is the trustee of most of the temples in Malabar and nobody becomes a zamorin before he is eighty-five. Can we expect a man of eighty-five to move with the times? My hon. friend Mr. Ibrahim Sahib was telling us that the Legislature should not

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interfere in such social matters. But how else can we deal with people who cannot move with the times—I do not find fault with them for they have been brought up in such an atmosphere of superstition and tradition that whatever we may be thinking of the hardship we have been causing to the Harijans it cannot appeal to them; the reason is they are too old to understand things and naturally the only way in which they can be relieved and helped is by the Legislature coming to their rescue. My friend must admit that even in regard to Muslim Wakfs it had to be taken up by the Legislature and legislated upon as the strongly orthodox would not allow reforms to come in. (K. T. M. Ahmed Ibrahim Sahib Bahadur: 'They stand on a different footing.') The principle underlying legislation in both the cases is the same. In the interests of the Harijans and even in the interests of the endowments, apart from the question of atonement of past wrongs, it is necessary for the Legislature to come to the rescue of the people and help them. The Malabar Temple Entry Act was passed in 1937 which provided for a referendum being taken but adventitious circumstances did not allow us to proceed with things and the Government had to resign. Afterwards, nothing could be done and the conditions got very munities but even Brahmans are not admitted in Malabar temples. entry is denied not only to Harijans, Ezhavas or other communities but even Brahmans are not admitted in Malabar temples. Only the indigenous Brahmans and somehow or other the Tamil Brahmans are allowed entry. You may be surprised to learn that even Pandit Madan Mohan Malaviya was refused admission in Guruvayoor temple. Such being the case a legislation of this nature is a much-needed thing, particularly in my district where untouchability, unapproachability and even unseeability obtains in a large measure. (An hon. Member: 'Unthinkability')—I do not know about that because we cannot know what the other person thinks. Even now, the Nayadi has to stand $2\frac{1}{2}$ furlongs away and announce his presence by means of a sound with the result that they have developed a very fine voice which can be heard for a mile. The system is very conveniently arranged. In regard to blacksmiths, silversmiths and others, whom the caste Hindu requires for his service, their pollution is only five yards. But when the carpenter comes with his instruments for measurements and improving a temple, the temple is not polluted. Convenient arrangements have been made like this. Though this Bill may not completely eradicate the evil this is a step in that direction. Now we allow them to go into temples and they can claim the other privileges in course of time."

MR. PRESIDENT:—"Does the Hon. Minister mean that the definition will include the Brahman (Laughter) in Malabar?"

THE HON. SRI K. MADHAVA MENON:—"It includes all those who have been excluded from the temples.

"It is a very great pleasure and gratification to us in Malabar because the whole district is for the reform and it is the trustees

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who object and we thank the Government for having given us an opportunity to do our atonement for the wrongs we had done to the Harijans.

" My hon. Friend Mr. Jagannatham has made certain remarks which if anybody else had made I would have called them uncharitable. But the iron has gone too far into his heart and it corrodes it to think how we had treated them and I can appreciate his bitterness and I can understand and I can only appeal to him to accept our word, to accept our sincerity and not say that this is a political stunt. Let him ponder over what we would gain by this stunt, as he calls it. If he means that we want to get popularity among the Harijans, that shows that this is a thing that the Harijans like and if it is a political stunt to do something which will exalt them, I would even accept that it is a political stunt. If it is a political stunt to help them in that way, I accept it but in no other way can it be called a political stunt. I grant that you are entitled to think so far the way in which we have treated you before.

" He said he was sorry that he was a party to the Poona Pact. The number ten that was allotted to them for this Province rose to thirty and ask if it is a thing to be sorry for? Whatever you may say about it, the thirty members are there and their views will certainly matter and it will not be difficult for them to change in case they feel their voices had not been heard. I do not wish to speak more upon this particular point.

" Dr. John suggested that there is no good of social democracy unless it is accompanied by economic democracy. You cannot do all things at one and the same time. We must proceed step by step and I do feel that this is a step in the right direction.

" My hon. Friend Mr. Suryanarayana Rao said that the regulations might be so framed as to nullify the provisions of the Act. But I have to point out that it has to be done under the orders and control of the Provincial Government. So far as regulations are concerned, taking my district for instance, nobody is admitted into the *sanctum sanctorum* except the pujaris and the priests and that is necessary because lakhs of worth of jewels are on the idol and can we indiscriminately allow everybody to go there, when that right is not being exercised or is denied even to the highest Brahmans? I am only pointing out to you, Sir, the necessity for such regulations in Malabar. There, nobody can enter the temple with a shirt on and no other dress is allowed except the dhoti. He enters the temple only after a bath, preferably in the tank in the temple. That has been the custom for so many generations. There are times of pollution to be observed and the protection of those customs is absolutely necessary not only in the interests of the sacredness of the temple but also the sanctity of the temple and the feeling of exaltation that they would experience in such an atmosphere. For the maintenance of the air of sanctity in the temples, regulations are absolutely necessary, without which our object in bringing this

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law will be nullified. I express once again my gratification and I support the Bill."

SRI S. A. S. Rm. RAMANATHAM CHETTIYAR :— "தலைவர் அவர்களே, இந்த பில் இதற்கு முன்னாலேயே கொண்டுவந்து பாசாகி இருக்க வேண்டியது. இது இப்பொழுது பாஸ் ஆகவேண்டியது ரொம்பவும் அவசியம். இருந்தபோதிலும் இந்த பில் வந்து பாஸ் பண்ணுவதற்குள்ளாகவே பல டிரஸ்டிகள் மனம் உவந்து அநேகம் கோவில்களை மனதாரவும் திறந்து விட்டார்கள். இது சட்டமாக வந்து திறப்பதற்குள் அவர்களாகவே மனதார வாழ்த்தி திறந்துவிட்டார்கள். இன்னும் சில கோவில்கள் தான் பாக்கி இருக்கிறது. அவைகளுக்காக சட்டம் பண்ணியாக வேண்டியதாக இருக்கிறது. அதற்காக சட்டம் செய்யவேண்டியது ரொம்பவும் அவசியமாக இருக்கிறது. இந்த சட்டம் மட்டும் அவர்களுக்கு போதாது. மனமும் விட்டுக் கொடுக்கும் தன்மை வேண்டும். இந்தியா தேசத்திலேயே எல்லாரும் ஒரு மதம் ஒரு ஜாதியாக இருந்தார்கள். காலப்போக்கில் இப்படி மாறிவிட்டது. இப்பொழுது தங்கம் இருக்கிறது. ஒருவர் சங்கிலியாகவும் பல ஆபரணங்களாகவும் செய்து போட்டுக் கொள்ளுகிறார்கள். ஆனால் தங்கம் தங்கம் தான். அதைப்போல் தேசம் ஒன்றுதான் ஜாதி ஒன்று தான் மதம் ஒன்றுதான். இப்படியே அனுசரித்து வந்திருக்கின்றார்கள். சிறுத்தவர்கள் முஸ்லிம்கள் என்று அப்புறம்தான் மாறி இருக்கிறார்கள். எல்லாரும் ஒன்றுதான். மதத்தின் காரணமாகவும் கடவுளை வழிபடுவதில் வித்யாசம் ஏற்பட்டிருக்கிறது. ஒரு காலத்தில் ஒரே மாதிரியாக இருந்திருக்கின்றார்கள். தெய்வ வழிபாட்டிற்காக மதத்தை புத்ததியிருக்கின்றார்கள். அதனால்தான் சண்டை வருத்தம் உண்டாகிறது. பல மக்கள் மடிந்து விட்டார்கள். அந்த காலத்தில்

ஜாதி இரண்டொழிய வேறில்லை சாற்றுங்கால்
நீதி வழுவா நெறிமுறையில் மேதினியில்
இட்டார் பெரியோர் இடாதோர் இமிக்ஞலத்தில்
பட்டாங்கிளுள்ளபடி..

என்பதுபோல் இரண்டே ஜாதி தான் இருந்தது, தர்மம் கொடுக்கிறவர் ஒரு ஜாதி. தர்மம் கொடுக்காதவர் ஒரு ஜாதி. ஜாதிப்பிரிவினை என்பது ஒன்றும் இது வரையில் கிடையாது. அந்தந்த மதத்தில் பாடுபாடுதான் ஏற்பட்டிருக்கிறது. ஆகையால் ஜாதி எல்லாம் ஒன்று என்று பண்ணுவது ரொம்ப அவசியம். எவ்வளவு அதற்காக செய்யவேண்டுமோ அவ்வளவு செய்யவேண்டும். ஆர்யனுக்கு எல்லாரும் ஒன்றுதான். மகாராஜாவுக்கு ஒன்றும் மற்றவர்களுக்கு ஒன்றும் என்று கிடையாது. மகாராஜாவுக்கு அதிகமாக வெளிச்சம் கொடுக்கவில்லை. இதுவரையில் தேசத்தில் தர்ப்பாக்யமாக இருந்தது. இப்பொழுது சட்ட பூர்வமாக வருவதை எல்லாரும் ஒப்புக்கொண்டு ஒத்தழைக்கவேண்டும். அவர்களும் ஹிந்துக்கள் தான் என்று கருதவேண்டும். சட்ட சபை Election வரும்போது இனிமேல் தனித்தொகுதி என்று இல்லாமல் கூட்டுத் தொகுதியாக இருக்கும்படி செய்யவேண்டும். அப்பொழுதுதான் அவர்கள் நம்மோடு சேர்ந்து சிநேகத்தோடு வித்யாசம் இல்லாமல் இருப்பார்கள். இப்படிச் செய்யவேண்டியது ஒரு முக்கியமான காரியம். அடுத்தபடியாக அவர்களுக்கு எல்லா செளகரியங்களையும் செய்யவேண்டும். அவர்கள் முன்னுக்கு வருவதற்கு என்னென்ன செய்யவேண்டுமோ அவைகளெல்லாம் செய்யவேண்டும் என்று எல்லோரையும் பிரார்த்தித்துக்கொண்டு நான் முடித்துக் கொள்ளுகிறேன்."

THE HON. DR. T. S. S. RAJAN :—"Sir, I am very glad to see the amount of goodwill displayed by the Members of this House in support of this Bill. In fact, I do not see any opposition at all for the passage of this Bill nor for the principles of this Bill. Some good criticisms have been offered by Members with the best of intentions. As far as possible, they will be looked into. With regard to the legal disabilities that have been pointed out 3-15 p.m.

[Dr. T. S. S. Rajan]

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I can only say that such legal disabilities as may come up will surely be met by an amendment to this Bill if necessary, or by the exercise of such control as the Provincial Government have got under this Bill. Such amendments will be necessary not only for this Bill, but for many other Bills. In fact, with regard to temple entry we have had one, two or three amendments before the House to correct such irregularities as might happen. Dr. John has always got a legal mind when discussions of this sort take place, and as one belonging to that profession, he should have it. I may suggest to the hon. Member that as a lawyer his criticisms should have the greatest consideration at our hands. If in spite of that there are some lapses, it will not be very difficult to correct.

“ There was a reference to social democracy and economic democracy. The Bill does not enter into that question at all. As I said in the beginning it is entirely a condition of the mind of the masses of the Hindu people with regard to their attitude towards the excluded classes, and which, as a symbolic performance, is now expressed by opening the temples to all those who have been excluded so far. Beyond that the Bill has no scope. Of course, there is the question of the funds in temples. The funds of temples have got to be utilized in the manner in which the donors have earmarked them for the use of the temples. There has been controversy over this and legislation has been sought to be brought to clarify some of the points. In fact, I may say that these funds are to-day used for the educational uplift of our people—not only of Hindu community, but of all communities and all classes. The educational institutions maintained by the temple funds to-day act as public institutions rather than as communal institutions. There are some small institutions pertaining to temple services and so on, which are restricted only to particular classes. But, generally, high schools or colleges for instance, are open not only to Hindus but to all classes alike. A reference was made that funds of temples have been diverted to leprosy hospital and things of that sort to-day, and that necessarily permission has been got to utilize these funds in that manner. I cannot agree that these temples should be deprived of their finances and the money should be distributed to people who were refused entry into them till now. With regard to the question of funds, I am sure there are enough provisions in the law that a trustee can divert the funds for philanthropic purposes like education and medical aid.

“ A lot of discussion took place on the caste system, and that it should be abolished. This is a big subject, Sir, and this does not come under the purview of the Bill. But in passing I might say that Mahatma Gandhi's name has been quoted and misquoted many times. His last declaration is this. ‘ If you want Hinduism to survive caste system must go. The same thing applies to untouchability. If untouchability exists Hinduism goes, and if Hinduism wants to survive, untouchability must go.’ In the

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very same lines he (Mahatma Gandhi) substitutes caste system for untouchability. He is sincere in his views that caste system must go. How it will go, and what are the various processes in the complete destruction or removal of untouchability is a matter which comes more or less within the purview of the whole community, which is responsible for this caste system. But I know this much that caste system has no place in religion. Caste system is only a social development that was brought into being by the circumstances and environments that prevailed then. When social conditions are changed, when political conditions are changed, and administrations are also changed with the power from a group of people passing into the hands of elected representatives of the people, caste system has to undergo a vast change. Caste system does not have to-day the same meaning it had previously. It has greatly transformed itself. I consider that this Bill is one of the biggest moves for the eradication of the caste system.

"Some mention was made about the *sanctum sanctorum*. As far as this is concerned, I may say that all the excluded classes have got the freedom to go and the right to go to the innermost *sanctum sanctorum* to which all other Hindus can go. I am aware of what my Hon. Friend Mr. Madhava Menon was saying with regard to Malabar. There, it is not all Hindus that are privileged to go as far as the *sanctum sanctorum*. This Bill imposes no such conditions on the Hindus here and therefore to that extent there will be no restriction, and no trustee can put anything by way of restriction on their exercising that privilege.

"As regards the right of the trustee to order the conduct and discipline in temples, nobody can contend. This applies not only to the depressed classes that were excluded till now but to all. The trustee should have the right to order the conduct of the temple, so that while admitting a large number of people into the temple, whatever he does shall be applicable to all those that are admitted. To that extent the trustee's rights are protected here.

"With regard to the complaint of an hon. Member who said that this was all a political stunt and so on, I do not want to argue. It has been well answered, but I simply say this that I revere the memory of those who have suffered for Harijan uplift even amongst Harijans. I know the late Mr. Srinivasan. He was a particular friend of mine. It was a privilege to work with him. With him, temple entry was not the foremost idea. He had the social disabilities and the economic disabilities in his view more than temple entry. Evidently he was one of those who did not believe in temple entry nor did he think that entry into temples was going to raise them to a better stage. That is why, perhaps, he did not have this temple entry in view. Knowing him as I do, I make myself bold to say that this was his view. With regard to Mr. Rajah, whom also I know very well, he is inclined to be more orthodox than Mr. Srinivasan. In fact, I

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know, his contention during the passage of the temple entry bill in this House was that he did not want this limited provision. He wanted complete throwing open of the temples to all people, and if he were alive to-day, I am sure he would welcome this Bill just as all our friends have done.

With regard to the reference made to my speech by an hon. Member, I say it was not my intention to interrupt Muslim religion or faith. Far from it. My own view in this matter is that I consider man himself as a symbol of God. That symbolism is to concretize or visualize objects which are philosophically abstruse. Symbolism does find a place in Hindu worship. It is not my intention to say that east is turning west or west is turning east. It was only a casual remark. It was not made with any idea of interpreting Muslim faith. I hold the view that symbolism is part and parcel of human nature. Therefore, it is not with any view of interpreting Islamic religion—which I know would be highly resented both here and in the other House—but only as a sort of giving explanation for this bill, and particularly of Hindu temples, I spoke of symbolism. In Hindu temples the images are the symbols. Symbolism is something very abstract which cannot be easily conceived by human mind. Now I have to make a little divergence. It happened that one Maharaja of one of our States, who was an English educated man, and who did not believe in temples, was approached by Swami Vivekananda. The Maharaja argued and said 'what is the use of worshipping stones and copper images in temples; it is a very low form of evolution; all these must go.' Just to concretize the Maharaja's idea, Swami Vivekananda asked permission of the Maharaja to do one act in his Durbar, and the Raja permitted him. What is it the Swamiji did? There was an image of the father of the Maharaja hanging on the wall of the Durbar hall. He said 'Will you kindly remove that portrait of your father down here?' This was done. Then he stood up on his legs and addressed the Durbar in the following words :—

'Friends, your Raja has no faith in image worship. Here is the image of his father. I say it is nothing but a piece of cloth and what is painted over it is only a number of colours, and nothing more. Therefore, if all of you would care to spit on this you may do so. It is only on the cloth you spit.' That is how he wanted to illustrate the fact. But none in the Durbar hall would agree to do this. Again he said—

'All these people would not do this act. I tell them it is a mere piece of cloth and some colouring on it, still they would not spit.' The idea that the father was there was conveyed to them by the image and certainly out of respect, and out of a certain amount of regard to the Maharaja's father, they would not spit. It was not mere canvas cloth to them. Therefore, Sir, it is not the stone that matters; it is not the copper images that matter; it is something which cannot be visualized but still tried to be visualized.'

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The formless should be made into a form; the unthinkable should be made into something thinkable; the abstract should be made into something concrete. As the mass mind is accustomed to image worship this has to be done. Feeling as I do, we Hindus claim temples as a part of our culture. Not having had enough resources to go into the question of Harijan uplift in other ways, at least this thing has been done. So let nobody doubt our intention, our goodwill and sincerity. In temples we find solace. So it is not right to exclude a large number of people who claim it as their right. It is in that faith this Bill has been brought before this House. It is open to any Hindu reformer to pull down temples, break down all images and convert them into hospitals; but, to-day we have not reached that stage. I believe in temple worship; I have been living in a village from my infancy which has a temple. I have been going to the temple from my infancy onwards. And when I retire I wish to spend my remaining days in my village visiting temple till the last moment. (Interruption by Dr. V. K. John.) I do not propose to say anything about the next birth, though I believe in it. Sir, I believe this Bill as a prayaschitha for having excluded the Harijans so long from Hindu temples. Reference was made to Mahatma Gandhi; it was said, he was quite a different man some years back, and how different he is now; but all that is not relevant here; and more so when Mahatma Gandhi himself has admitted that. He himself has said, once he was a varnashramite, and to-day he is quite a different man. He has the intuition to see and the courage to speak out what he feels in a way in which no Hindu has dared. Therefore what he said before, and what he did not say before, is not relevant here. What he says to-day is the matter that should be quoted or mentioned. Some reference was made to burial grounds. It has no place here, as the question now refers to service in temples. If this Bill is accepted I am sure it will open the door to all classes to enter temples, and do service to God there. As for some of the defects pointed out, they will be rectified in the working of the Act."

3-30
P.M.

The motion that the Bill be taken into consideration was put and carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 were put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. DR. T. S. S. RAJAN :—" Sir, I move—

' that the Bill be passed into law '."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Mr. President, Sir, I purposely refrained from speaking on this Bill at its first reading because I was anxious that my support to the measure of temple entry should be wholehearted and unequivocal and not capable of misunderstanding. After having said that, I feel I shall not be entirely fair to myself, if in support of this

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Bill, which has got a vista of immense possibilities, I do not speak a few words to draw the attention of the House to some of the most serious problems this Bill brings to our notice. I believe that it has been most unfortunate for us that in this country there should have been such unfortunate trends in the past, that a section of humanity should have been deemed as being persons unworthy to be treated with ordinary human rights and human decency. I beg to assure this House that I deeply appreciate the passing of the Removal of Civil Disabilities Bill, the other day, and had I the opportunity of being in my place then, I would have without reservation offered my heartfelt congratulation on the Bill. There are other points which require consideration here. Let me at the outset assure the House that as I sat listening to Mr. Jagannatham I felt that we should not lay the flattering function to our soul that by passing this Bill we have done something substantial to the Scheduled Castes. I do feel that it will be an act to ourselves, if we stated that by giving Harijans the right of temple entry we are letting them into Hindu society. On the occasion of the Budget debate I told this House, that the opening of doors of temples did not mean opening of the hearts of the people. Let me explain that now, as I had not sufficient time then. I have been a regular visitor to that famous Madura temple almost every year. I know what temple even before it was thrown open to Harijans. I have been there even last year. And I have been very little convinced of the change of spirit which was supposed to be evolved almost unconsciously by the opening of the doors in regard to Harijans. Similarly I am sanguine that the removal of the disabilities by the present measure would not do any good without a change in the spirit of the people. Not only that. I come to another instance, even more painful. Though I do not wish to say that, yet I feel I cannot but say it. I had not an occasion to speak on that. It was the occasion of congratulating the Speaker of the other House on his election to that honourable post. It was a matter of humiliation to me to see member after member rising in his seat congratulating him on the fact that a Harijan had been elected as Speaker. I sat there painfully feeling that here was an illustrious person, who was the first citizen for sometime here was a person with high academic qualifications, and a person in touch with legislative work for several years, elected as Speaker; and we were all patting ourselves on our back saying 'what good boys have we been in electing a Harijan as Speaker. It reminds me of the nursery rhyme,

• Little Jack Horner,
Sat in a corner,
Eating his Christmas pie,
He put in his thumb,
And pulled out a plum,
And said, "What a good boy am I".

Members of the Legislative Assembly and in this House have been behaving very much like little Jack.

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"The third point I wish to deal here is this. I was deeply disappointed with the Budget details. Not only did it not provide something specific for Harijans, but even in regard to provisions made here and there I find all communities have been roped in together. We are to have community centres where everybody is allowed to go and live side by side with other community people. Sir, I do not want this House to practise self-deception with regard to persons who have been excluded from family rights of Hindus for a long time. Far from having these community centres I wish we take up first and foremost those settlements which are called *cheris*, of which we are all ashamed. I wish we ask people of other communities to go and dig wells there, build beautiful residential quarters there and live the life of all common men. It is only by that method we can hope to evolve certain dignity for these classes.

"My friend referred to the economic disabilities and said, unless there was economic salvation there was no use of removing these disabilities. I am one of those who believe in the significance of spiritual force, and yet I feel, it is the economic forces that rule the spiritual force. It is there the shoe pinches, and it is for that reason that I feel this question of economic development of these classes should not be taken out of the fringe of the most important subjects. I do not say that what we are doing is not good. But I do want to emphasize that this is most important. 3-45 p.m.

"Incidentally, Sir, I hope my hon. Friends on the Treasury Bench will not misunderstand me when I say this—for it is their business to apportion portfolios and it is not for me to question it—incidentally however, I felt surprised and rather sorry that the particular portfolio of Harijan Uplift should have been given to a Harijan member for I feel it should have been the other way. Even so, you are opening yourself to the possibilities of every community demanding that a member of that community should have charge of the particular affairs of that community. Tomorrow my Muslim friends may ask that Muslim education should be in the hands of Muslims. What reply can you give? On the other hand, I say that I am a better functionary for the interests of the Muslim community than even the Muslims and so it is that my Friend Mr. Madhava Menon should be trusted. I know he could do it, should he have that portfolio with him. I think he can fight not merely for the sake of the Harijans, but because of that urge that he has got to atone for the community, that is the Hindu community, and make leeway. It should not be left to an Hon. Minister to come and say: 'will you give for my community something more?' and beg of the Finance Minister for a thousand rupees here or two thousand rupees there. It must be somebody else. Hon. Members may not agree with me but that is the feeling I have.

"Coming to the Bill itself, let us see, that after all this is a socio-religious matter. There is no use trying to say, it is not. What were the methods adopted in regard to reforms in such socio-religious matters. Sir, everyone now realizes what a most

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unfortunate thing it was that that land which produced the Buddha, which had in the ancient days all the edicts of Buddha from the north to the south, which had so many memorable records of that great man Asoka and his teachings, that land should have been deprived of one of the greatest of religions with the unfortunate result that to-day Buddhism thrives everywhere except in India. We have shunted it out as we have often been shunting out all that is good from our own country. Buddhism thrives in Ceylon, Buddhism thrives in Siam, Buddhism thrives in Burma, Buddhism thrives in China, it is thriving in Sumatra and it is thriving in far off Japan but in India this Buddhism has been rooted out of the soil by an amount of implacable enmity which I find it difficult to conjecture even at this remote period. But, Sir, let it go. If only Buddhism had been allowed to thrive side by side with other religions, I think we should have done much better. Perhaps many of its fundamental principles we might have imbibed as we have a great measure of talent to imbibe. I think myself, we should have been much better. But my object is not to criticise.

“ Now, whenever a big religious social reform is introduced there are four methods by which it may be introduced. The first and the most noteworthy method is a Royal Proclamation, or edict. Even now we remember that whenever there was a great religious movement which called for reform the Kings of old used to promulgate writs. To-day great men have sprung in our country, great men for whom the multitude of the people have got great reverence, who think that the monarchical system of the country is outmoded and we will have as probably one of their important reforms, that kings must be removed from their thrones. Sir, I am not going to be led into a discussion on that subject. I do want to be understood and clearly, that monarchy has served a very good purpose in the past and even in recent years; for who can deny the effect of that great Proclamation made by a monarch in the South, His Highness the Maharaja of Travancore. That Proclamation, Sir, was in the spirit of Hindu culture, of Hindu religion and the Hindu way of thinking. And, the moment that Proclamation was made all comment ceased to exist and everywhere it was accepted. Whether people afterwards went to these temples or not, whether some of them stayed away or not, it does not matter. But all agitation ended with the Royal Proclamation because to-day in our hearts there is that reverence for Royalty, that ingrained spirit of respect for an order or edict that has been promulgated by a Royal personage.

“ The second way by which religio-social reforms have been effected in this country have been, by great reformers. From Ramanuja down to Sri Ramakrishna Paramahansa there has been many great saints and divines who have come to lead. They have persuaded, they have controlled, they have guided these great movements and to-day we owe much—as the mover of the Bill ably referred—to the work of Ramanuja and to the great temple

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of Melkote. That is the spirit in which these great people have been trying to revivify society, to correct the errors that might creep into society from time to time.

" The third method has been by the executive authority laying down certain rules of conduct. That the executive authority has laid it down from time to time. This Government has laid down a number of such rules. It has laid down a number of principles. I am glad, Sir, that by such executive orders a very large number of temples have been thrown open. The issues of the *Fort St. George Gazette* will bear me out when I say that a very large number of temples, some very very great temples, as we understand them, have been thrown open to-day. I welcome that measure wholeheartedly.

" The last method of introducing religio-social reforms is by a Legislature elected on a democratic basis composed of divergent elements whose function it is to adopt a certain method of conduct for the democratic government of the country and which occasionally possibly takes on additional duties.

" Sir, I come to the basic principle of this Bill. Are we in this measure committing ourselves to anything that we have not yet visualized? Is this going to be a precedent for a method of reform which may ultimately bring many problems which we are not in a position to foresee at present? My hon. Friend Mr. Ahmed Ibrahim rightly referred to that statement. And if I do speak a word or two let me once again remind this House that it is not because I am behind anyone in my anxiety to have the temples thrown open to everybody but because this measure which is so widely accepted at present is being enacted as a legislative measure and forms a precedent for the future. Sir, to-day democracies are being ushered into existence on a wide franchise and naturally parties come into the democracy and into the Legislature on ideologies, on slogans, on certain principles which they consider as sacred. It may be that to-day, Sir, we are satisfied that this Legislature may not go off its feet in regard to these measures. But are we satisfied with the future? Events are happening in other parts of the country; great things are moving rapidly astride in different directions with the result that nobody can foresee what the tide of events will bring ultimately. I ask you to realize what it will mean when a different party is in this place with a different ideology. May it not be thought that I am trying to make any exaggerated statement when I say that that party may see differently. The Hon. the Mover of the Bill referred to it in his concluding speech in this House: ' It may be that symbolic worship will be anathema to some. We say that symbolic worship is good.' So we shall say that it is so with this party. What prevents another party to come and say ' Symbolic worship is not right. It more or less takes away from the person that particular mood which he should have for functioning as a true democrat.' And then when such a motion is made my

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hon. Friends here (the Muslims) will at once support him, because it is against their faith to do anything to encourage symbolic worship and my hon. Friends there (the Christians) will rise up and support it, because it is against their faith although some of them encourage symbolic worship. (Dr. V. K. John : 'Not me.') That is why I said, against the faith of some of them. I hope the hon. Member must have understood the term. I ask, Sir, "Is that the state of affairs which we should try to visualize?"

"Again, Sir, there are some persons to-day who do not believe in temples. My hon. Friend, the Mover also referred to them. Not only do they not believe in temples, but they believe that temples are anathema. The Hon. Mover knows about it, that there is a certain spirit abroad. Are we to allow the Legislature to be utilized to implement these various ideologies? I do not criticize them at present. I offer no opinion upon them but let us be rather on the guard as to what it is that we are ultimately driving ourselves into. Not only will it be the Hindu religion. Let me turn to my Christian friends. They know that there are different ways of life in their own religion. Suppose one of them were to come and say : 'This symbolic method of worship is not good; so it ought to be done away with!' And supposing all the representatives of that faith are in this House and they unanimously support, my friends there (the Muslims) may support them, they may get support from the other side, would they be very pleased if that method of settling one of the most difficult problems concerning the personal and communal life of the country were to be tackled on the floor of the Legislature? That is the reason why I said, I felt a little hesitation and I did not feel entirely happy to support a legislative measure in an enactment of this description.

"What does a political party stand for? I have here, Sir, some of the finest essays that have ever been described, by a person well known to several Members and to my hon. Friend here. We met him when he came over here. Dr. A. D. Lindsay, Master of Balliol College at Oxford. In these essays, described as 'The Essentials of Democracy' Dr. Lindsay says : 'Of course with your permission, Sir, I propose to read a few lines—

'This outstanding fact about the State—that its legislation and much of its activities appeal and seek to maintain a certain way of life—has been often taken to mean that the State's business is to make men good: It is an institution for the realization of morality. It was thus that Plato and Aristotle regarded the State. And if that is so it seems more difficult than ever to defend democracy. For do we not all recognize the existence of moral geniuses—of men of commanding moral insight? If the State is an instrument of morality, should it not be an instrument in the hand of Plato's philosopher king, or be ruled by its saints?'

It is the first principle, Sir, that people that are elected into this House are not elected on the ground that they are here to convert all people into one form of morality which they think is good. Therefore it can be on a different basis. Sir, he proceeds :

'Calvinism was not democratic. It demanded the rule of the saints. If moral knowledge and insight are to be in authority, if the State is to do moral tasks, ought it not to be ruled by moral experts? . . . Democracy rests on the

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principle, not that all men's views on what are right and wrong are of equal value, nor on the denial of the existence of saints and prophets, but on the doctrine that compulsory morality is a contradiction in terms.'

You may ask me, Sir: 'How is democracy or how is the State to bring assistance to these great moral forces that are necessarily to play a vital part in the public life of the country?' The answer is given here, Sir:

... the best society is that which increases spontaneity and life and variety; and that that is not primarily done by the State but by all this rich complex of voluntary associations. The end of the State's compulsion is to give room for liberty—but not just for the independent liberty of individuals but for the kind of freedom and liberty which are possible only in social life. That the state cannot itself produce, but it can do an immense deal to foster the forces which do produce it, and by its power of regulation and adjustment it can keep this spontaneous life from losing itself in anarchy.'

My object in drawing attention to this is to suggest for the consideration of this House the desirability of knowing its own limitations in regard to socio-religious reforms and legislation. I am not going to say that this legislation should at all be stopped. I have said that I wholeheartedly favour temple entry and I ask my Hindu friends, particularly the orthodox section to realize their responsibilities and duties. It is because they have not realized their responsibilities and duties that such a legislation has been made necessary. If they had been less conscious of their rights and privileges and more conscious of those of other men, if they had realized where the shoe pinches for the poor man who had suffered so long, I have no doubt that we would not have been forced to this unfortunate position where a legislature composed of Hindus, Muslims, Christians and others should come and enact a piece of legislation which is intended only for Hindus. I consider it a humiliation, Sir, and that is my reason why I once again appeal to the orthodox section of my Hindu brethren to rise betimes and realize what their duties are even after this piece of legislation has been passed. I appeal to them, Sir, to treat this Bill as a dead letter and give no cause for its provisions being applied. I hope that this legislation will be followed in letter as well as in spirit. And, Sir, if we recognize what it is that we are fighting for, and if this House will not be carried away by its power to think that it can pass any piece of legislation affecting the social, religious or other forms of life, if we can only become toned down in our enthusiasm, I shall feel that I have done my duty. I have nothing more to add, Sir."

* THE HON. DR. P. SUBBARAYAN:—"Mr. President, Sir, I had no intention of intervening in this debate except for the speech which has just been delivered. I have great respect for my hon Friend the Vice-Chancellor of the Madras University. He and I have been very great friends not to-day but for the last quarter of a century and for anything that comes from him I have great respect. But there are one or two things which we have got to work under and which I am sure he realizes we have to work under. In the first place, I agree with him when he said that it ought to be the duty of the Hindu community as a whole to have reformed itself and effected the temple entry of our depressed brethren and

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reform of other social customs. But years have passed and unfortunately the heart of our people has not been changed. He himself referred to the edict of His Highness the Maharaja of Travancore. That showed that at least as far as that part of the country was concerned, it had to be done by an edict. We are not situated in the same position in this Province. His Excellency the Governor, even if he wished, cannot issue an edict, because there is the Proclamation of Queen Victoria saying that as long as the British Government are here, they will not interfere with the religious customs of the people of this land. Therefore the only way temple entry can be effected in this Province is by legislation, and that is what the Government are undertaking. I admit it would have been better if the people's mind could be changed, but that has not been found possible.

" My hon. Friend the Leader of the House talked of symbolism. He was correct in his estimate of what the ordinary orthodox Hindu feels over this and my hon. Friend the Vice-Chancellor said it might be that a day might come when people may sit on the treasury benches who would be against all kinds of symbolism and might have them abolished. Well, Sir, if we do have faith in democracy and believe in the power of the people, such times may come. As far as I am concerned, even though my faith in Hinduism is strong, as a citizen of the State which has come to this conclusion, I must accept the verdict of democracy. But I am sure that in this land such things will not come, because our people have an abiding faith in religion and I am sure when these shackles are thrown off, people who may have forward views in these matters will not necessarily interfere with belief, because it is a matter for individuals.

" There is only one thing more. My hon. Friend the Vice-Chancellor talked of the monarchical form of Government. It is not the intention that we should get rid of the monarchical form of Government. At the same time, I should like to bring to his notice that we should not place ourselves in the position of Bulgaria, Rumania and Greece and import kings from outside. We know the fate of these countries and the kings they have imported. I do not think there is any other possibility when we get independence except to form ourselves into a republic which was done by the great democracy across the Atlantic. We seem to be in the same position to-day. But it does not mean that we stand for the abolition of all monarchical forms, because within the republic, it is possible to have monarchies existing. It is in that spirit that the Constituent Assembly resolution was put forward. I should like to assure the hon. Gentleman that it is not the intention to put down monarchy. But as far as the Central Government is concerned, it must be a republic, it cannot be anything but a republic.

" Sir, I am glad that at least to-day we are passing this legislation, because in a way, I can claim myself to be the person who wanted this legislation in the old Legislative Council. As a non-official Member I gave notice of such a Bill, but it was not given

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permission by the Government of India at that time. I am glad that at least to-day after nearly twenty years this Bill is being passed into law."

DR. V. K. JOHN :—" Mr. President, Sir, I had not intended to take part in this debate on the third reading of this Bill but having heard Dr. Sir Lakshmanaswami Mudaliyar, I should like to say a few words on the juristic point of view."

MR. PRESIDENT :—" The hon. Member may take just a few minutes."

DR. V. K. JOHN :—" Dr. Lakshmanaswami Mudaliyar doubted whether it is the function of the Legislature to legislate on socio-religious subjects. The law is the idea of right or wrong held by the community. In England the common law was developed by judges who were in intimate touch with the people, who knew the ideas and the ideals of the people, their ideas of right and wrong, so that when ideas changed in the minds of the people, the judges accordingly brought the law into line. Even slavery was abolished not by legislation but by the judgment of the High Court of England. Sir, if our courts were constituted as in England and were composed of judges who were in intimate touch with the ideas of right and wrong held by the people, then we would not have required this piece of legislation at all. The judges would have said: 'We know the people very well, we know their ideas and therefore we rule that every Hindu has a right whether he is a Harijan or not to go into a temple.' But our courts are not constituted like that. Therefore the Legislature has to intervene and declare what is the idea of right and wrong among the people, and what is the consensus of opinion among the large majority of the Hindu population in the matter of allowing Harijans to enter temples. In this country, the legislature to some extent takes the place of the courts of law in England. We cannot therefore say that it is not the function of the legislature in this country to go into socio-religious questions. It is the function of the legislature and I am glad that this Bill has been introduced and will be passed into law."

THE HON. DR. T. S. S. RAJAN :—" Sir, I am indeed thankful that the hon. Member the Vice-Chancellor of the Madras University has given us . . ."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" On a point of personal explanation, Sir. I would deeply appreciate if hon. Members will refer to me by name. I am here as such and I just want to prevent a confusion."

THE HON. DR. T. S. S. RAJAN :—" I take the clue from my hon. Colleague who just spoke—Dr. Lakshmanaswami Mudaliyar . . ."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—" Thank you."

[3rd April 1947]

THE HON. DR. T. S. S. RAJAN :—“ Dr. Sir Lakshmanaswami Mudaliyar has . . . ”

DR. SIR A. LAKSHMANASWAMI MUDALIYAR :—“ No need.”

THE HON. DR. T. S. S. RAJAN :—“ I am thankful to him for the elucidation of the place of socio-religious legislation which he has found time to give us. At the same time, I want him to remember a few facts because of the particular situation in which we are placed. I have already said in the beginning when I introduced the Bill that we have in a way secured the popular opinion, a very large volume of popular opinion, but in spite of it, we have introduced this legislation because we have found it not possible to carry the whole lot of our people to our view and get them to accept this. Therefore the necessity for legislation has arisen. The history of our country shows that whatever may be the amount of freedom that has been given to us by the powers who have ruled over us for so many centuries, the very fact that they have not interfered in our social and religious evolution, because of that very fact, we have degenerated from age to age and we are in the wretched position in which we are to-day. The large body of opinion beyond any shadow of doubt consider that this reform is necessary. But this legislation is necessary to compel those very few Hindus who would still go back to the old times. This would be an insult and disgrace to our society. Therefore, while I accept the fundamental principles which the hon. Member has so ably laid down in his speech, I must confess that the necessity has arisen for the Government to discharge their duties in accordance with public opinion in this matter.

“ Besides, we have our election pledges. The Congress Party has been irrevocably committed to the removal of untouchability and temple entry. If we fail in our duty, we would be failing in our promises to the electorate. Therefore, Sir, in view of the promises that we have made to the people, in view of the public opinion prevailing amongst us and in view of the past history of our religion and society owing to the utter disregard shown towards it by the rulers of the country, we are obliged to take up this position. We feel that this measure is absolutely necessary. While accepting the hon. Member's proposition we feel that in the circumstances we are fully justified in bringing this measure before this House.

“ The question that the Madras Temple Entry Authorization Bill, 1947 (L.A. Bill No. 9 of 1947) as passed by the Assembly, be passed into law was put and carried and the Bill was passed into law.”

THE MADRAS PAYMENT OF SALARIES AND REMOVAL OF
DISQUALIFICATIONS (AMENDMENT) BILL, 1947
(AS PASSED BY THE ASSEMBLY)

MR. PRESIDENT :—“ The next item on the agenda is the Bill to amend the Salaries Act. If the House should feel that my absence would conduce to the freedom of discussion, I shall have .